

OKLAHOMA FUNERAL BOARD  
3700 North Classen Blvd, Suite 175  
Oklahoma City, Oklahoma 73118

NOTICE OF REGULAR MEETING

MEETING PLACE: Videoconference at  
<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>  
We ask that only the Respondents in a complaint use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23<sup>rd</sup> Street Conference Room 1<sup>st</sup> Floor Oklahoma City, OK 73105.

DATE & TIME: March 10, 2022 10:00AM

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on March 4, 2022 at 1:30PM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

If attending via videoconference or via telephone Continuing Education credit will not be provided for this meeting. If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to [info@funeral.ok.gov](mailto:info@funeral.ok.gov).

\*\*\* This symbol denotes the application and/or applicant is not in compliance with 235:1-1-2 (c) (14 day Rule)

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. Roll Call

2. Reading of the Oklahoma Funeral Board mission statement

The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

3. Approval of the February 10, 2022 Regular Board meeting minutes
4. Approval of the February 23, 2022 Special Board meeting minutes
5. Oklahoma Funeral Director Association Update from a Representative of OKFDA
6. Oklahoma Insurance Department Update from a Representative of OID
7. Review complaints with possible vote for probable cause or other action

22-26 Body Intake Log Issues

22-28 Next of Kin Issues

22-29 Body Removal / Death Certificates Issues

8. Matters for consideration: Consent Order or Scheduling Order

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and
- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

8A. Complaint 21-53 Dowdy-Marker Funeral Home, Haskell; Marker Funeral Home, Inc., Owner, Bixby; Michael Marker, FDIC, Bixby. Member Cooper needs to be recused.

- 8B. Complaint 22-12 Caskets of Honor By Collard Designs, Calvin; Collard Designs, Ada; Todd Collard, Candice Mentink-Collard. Member Cooper needs to be recused.
- 8C. Complaint 22-22 Wilson Funeral Home, Pond Creek, Mary Ann Wilson, Owner, Pond Creek; Steven L. Wilson, FDIC, Pond Creek. Member Matherly needs to be recused.
- 8D. Complaint 22-24 House of Winn Funeral Home, Okmulgee; House of Winn Funeral Home, Inc., Owner, Muskogee; Edward Winn I, FDIC, Muskogee. Member Highberger needs to be recused.

9. Vote to affirm or disaffirm the issuance of the following licenses, registrations, certificates, dissolution or other action

A. Apprenticeship (Original)

- 1. Kaylie Evans, Sapulpa, Green Hill FH, Sapulpa

B. Apprenticeship (1st extension)

- 1. Andrew Haire, Vinita, Highsmith FH, Vinita
- 2. Joseph Campbell, Talihina, McCarn FS, Talihina
- 3. Conner Brown, Wellston, Brown's Family FH, McLoud
- 4. Andrea Landrum, Denison, Cunningham FH, Colbert

C. Apprenticeship (3rd extension)

- 1. Jennifer Pointer, Durant, Holmes-Coffey-Murray, Durant

D. Apprenticeship (4th extension)

- 1. Brandon Watters, Nowata, Benjamin FS, Nowata

2. Jackie Burch, Antlers Serenity FS, Antlers
3. Daniel Collier, Claremore, Rice FS, Claremore

E. Apprenticeship (FD only) (Original)

1. Clint Barker, Tulsa, Rice FS, Claremore
2. Erin Riley, Shawnee, Walker FS, Shawnee
3. Michael Parks, OKC, Heritage FH, OKC

F. Funeral Director and/or Embalmer (Reciprocal)

1. Marie Thompson, Virginia
2. Ronnie Dunn, Texas
3. Tristan McAuliff, Arkansas
4. Christopher Mayberry, Tennessee
5. Megan Dorman, Kansas
6. Joseph Campbell, Arkansas

G. Funeral Director and/or Embalmer (Original)

1. Tammy Marshall, Cordell (FD Only)
2. Brittany Stallings, OKC
3. Che'Lynn Jackson, Tulsa
4. Alysha Minniear, Tulsa (FD Only)
5. Breana Thomas, Atlanta

H. Establishments

1. Neptune Society, Edmond, request to change FDIC from Angela Bynum to Jeremy Sparks

2. Bunch-Singleton FH, Broken Bow, request to change FDIC from Joshua Capuano to David White
  3. Dillon Funeral Service LLC, new establishment, Tulsa, Dillon Funeral Services LLC, Owner, Preston McCurtain, FDIC
  4. CremationCare+, Tulsa, request to change FDIC from Rex Whitetree to Danilo Gaton
  5. Rice Funeral Service & Cremation Care +, Catoosa, request to change FDIC from Rex Whitetree to Danilo Gaton
10. **New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.
11. **Executive Director's Report**
- A. Agency Financial update
  - B. 2022 Legislative Update: HB 1229, HB 3359, HB 3361, HB 3366,

12. **Adjournment**

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Tyler Stiles, MBA  
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held: **April 14, 2022. Office of Chief Medical Examiner –OKC 921 N.E. 23<sup>rd</sup> Street Conference Room – 1<sup>st</sup> Floor Oklahoma City, OK 73105.**



## MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD  
3700 N. Classen, Suite 175  
Oklahoma City, Oklahoma 73118

February 10, 2022

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### BOARD MEMBERS

Tom Coble  
J. Cooper  
Joe Highberger  
Brent Matherly  
Jim Roberts  
Mike Sanders  
Chad Vice

### STAFF

Shayne Melton  
Ashton Poarch, AAG  
Rochelle Robinson  
Tyler Stiles

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MEETING PLACE: MEETING PLACE: Videoconference at  
<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>  
If calling in by telephone please call 1-408-418-9388; Access Code 1260612143.  
If attending in person at the physical location: Office of Chief Medical  
Examiner OKC, 921 N.E. 23<sup>rd</sup> Street Conference Room 1<sup>st</sup> Floor  
Oklahoma City, OK 73105.

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on December 7, 2021 at 9:30AM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

President Highberger called the meeting to order at 10:00AM. Board Members Cooper, Highberger, Matherly, Roberts, and Sanders were present.

Members Coble and Vice were not present for roll call. A quorum was always present.

Reading of the Oklahoma Funeral Board mission statement:

The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

Motion by Cooper second by Sanders to approve the January 13, 2022 Regular Board meeting minutes. The motion passed unanimously with Member Roberts abstaining.

Dustin Pierce provided the following update for OKFDA. Mr. Pierce was selected as the Executive Director of OKFDA. We have set the dates for our Spring District Meetings.

District I-February 15, 2022-Ted's Oklahoma City, OK

District V & VI-February 17, 2022-Roots Café-Durant, OK

Districts III & IV-February 22, 2022-Wagg's BBQ Woodward, OK

District II-February 24, 2022-Rachel's Kitchen Choteau, OK. There will be 1 hour of CE presented with each meeting. The meeting are a few weeks early this year because Convention will be the first week of April.

Convention-Embassy Suites Hotel & Conference Center-Norman, OK. April 3-5, 2022. We will have 11 hours of CE presented.

The Oklahoma Insurance Department is discussing possibly changing the option for pre-need's to be placed in a Trust and mandating new pre-needs be placed in an insurance product. Current Trust pre-needs may still be used or rolled into an insurance pre-need.

Motion by Cooper second by Roberts to dismiss complaint 20-42 regarding Unlicensed Practice/Embalming Issues/No GPL. The motion passed unanimously.

Motion by Roberts second by Sanders to dismiss complaint 21-25 regarding Misleading Advertisement. The motion passed unanimously.

Motion by Highberger second by Sanders to find probable cause on complaint 21-35 regarding Release of Cremated Remains to Unauthorized Person. The motion passed unanimously.

Motion by Roberts second by Highberger to find probable cause on complaint 21-53 regarding Body Intake Log. The motion passed unanimously.

Motion by Roberts second by Sanders to dismiss with a letter of concern on complaint 22-19 regarding Nonpayment Over 90 Days . The motion passed unanimously.

Motion by Roberts second by Sanders to dismiss complaint 22-20 regarding Cremation Issue. The motion passed unanimously.

Motion by Roberts second by Sanders to dismiss complaint 22-21 regarding Fraud/Forgery/Ethics. The motion passed 4 to 1 with member Cooper voting Nay.

Motion by Highberger second by Roberts to find probable cause on complaint 22-22 regarding Body Intake Log. The motion passed unanimously.

Motion by Roberts second by Sanders to find probable cause on complaint 22-24 regarding Body Intake Log. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-12 Caskets of Honor By Collard Designs, Calvin; Collard Designs, Ada; Todd Collard, Candice Mentink-Collard. Respondents did not appear. The prosecution was represented by Ashton Poarch, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Highberger, Matherly, Roberts, and Sanders heard the case. Member Cooper was recused from the case and he left the room.

Motion by Highberger and second by Sanders to continue the Consent Order to the March 10, 2022 meeting. Motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-18 Michael Kelly, FDIC, Norman, Jennifer Batres, Apprentice, OKC. The respondents' attorney, Sam Mazzu, appeared on Videoconference. The prosecution was represented by Ashton Poarch, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Highberger, Matherly, Roberts, and Sanders heard the case. Member Cooper was recused from the case and he was already out of the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Roberts to accept the Consent Order. The consent order consisted of the following: The agreed violations were: Unlicensed practice, aiding and abetting unlicensed practice, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the



following: Jointly pay Administrative Penalty of \$7,500, Kelly shall complete an addition 6 hours of Continuing Education, Batres will be on probation for 1 year after becoming licensed, and Jointly pay Costs of \$500. The motion passed unanimously.

Member Cooper reentered the room.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (Original) Tara Cook, Tulsa, Dillon FS, Sand Springs; Skyler Watters, Nowata, Benjamin FS, Nowata; Kristen Crofford, Stillwater, Smith-Gallo, Guthrie; Zoe Nichols, OKC, Alpha and Omega, OKC; Miranda Bottoms, Lawton, Lawton Ritter Gray, Lawton; Micah Nathan, Marlow, Callaway-Smith-Cobb, Marlow; Landon Beavers, Duncan, Callaway-Smith-Cobb, Marlow; Samantha Davis, Swink, Miller & Miller FH, Hugo. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (1<sup>st</sup> Extension) Peri Moore, Norman, Tribute, Norman. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Apprenticeship (2nd extension) Addison Ray, Clinton, Corbett, OKC. The motion passed unanimously.

Motion by Roberts second by Highberger to deny the following: Funeral Director and/or Embalmer (Reciprocal), Sheila Brisendine, Texas. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Reciprocal), Danilo Gatón, California. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Reciprocal) Marie Thompson, Virginia; Ronnie Dunn, Texas; Tristan McAuliff, Arkansas; Christopher Mayberry, Tennessee. The motion passed unanimously.

Motion by Roberts second by Highberger to deny the following: Funeral Director and/or Embalmer (Original), Leslie Sheppard, OKC. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Original), Tammy Marshall, Cordell (FD Only);

Brittany Stallings, OKC; Che'Lynn Jackson, Tulsa. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Autumn Spurgin, Blanchard. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Establishments, Goodwin Funeral Chapel, Cherokee, request to close establishment; Arnold Moore & Neekamp Funeral Home & Cremation, Bartlesville, request to change name to Arnold Moore & Neekamp Funeral Home; Ray Fransisco Embalming Service request to close establishment; Ray Fransisco Embalming Service, Tulsa, New Commercial Embalming Establishment, Ray Fransisco, FDIC, Southern Heritage Mortuary and Cremation Services, LLC, Owner; Hahn-Cook/Street & Draper request to change name to Hahn-Cook/Street & Draper Funeral Directors; Fletcher Funeral Home request to change name to Fletcher-Elgin Funeral Homes LLC. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Crematory, Funeral Director's Cremation Service request to close establishment; Funeral Director's Cremation Service, Tulsa, New Crematory, Ray Fransisco, FDIC, Southern Heritage Mortuary and Cremation Services, LLC, Owner. The motion passed unanimously.

No New Business was discussed

Executive Director's Report- Agency Financial update- Mr. Stiles reported gross receipts for January 2022 to be \$153,639.00 with \$14,664.20 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$39,541.60 and net income after expenses totaled \$99,433.20.

2022 Legislative Update: HB 3361 -Mr. Stiles reported that HB3361 is the Funeral Board's bill authored by Speaker McCall and has passed out of committee already.

Free PPE from Health Dept. - Mr. Stiles reported that Board staff has ordered 20,000 gloves and 14,000 masks from the Health Department and has already provided most of that PPE to the industry but will continue to try to order more for those funeral home's in need of PPE.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes: Mr. Highberger

reported that the education committee has been meeting and moving closer together on agreeing on statute changes and will continue to meet.

Review, discussion by the Board members, and possible action regarding compliance with HB1373, defining criminal records list for disqualifying applicant from licensure. -Approved the list of various crimes that could potentially disqualify an applicant from licensure. The complete list is uploaded with the Board packet and will be uploaded to the Board website.

Motion by Roberts second by Highberger to adjourn the meeting at 10:45AM. The motion passed unanimously.

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Joe Highberger  
Oklahoma Funeral Board President



## MINUTES OF A SPECIAL MEETING

OKLAHOMA FUNERAL BOARD  
3700 N. Classen, Suite 175  
Oklahoma City, Oklahoma 73118

February 23, 2022

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### BOARD MEMBERS

Tom Coble  
J. Cooper  
Joe Highberger  
Brent Matherly  
Jim Roberts  
Mike Sanders  
Chad Vice

### STAFF

Shayne Melton  
Ashton Poarch, AAG  
Rochelle Robinson  
Tyler Stiles

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MEETING PLACE: 3700 N. Classen Blvd. Oklahoma City, Oklahoma 73118, First Floor Conference Room.

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on February 17, 2022 at 1:30PM. A copy of this agenda is available on the Funeral Board website at [www.ok.gov/funeral](http://www.ok.gov/funeral)

President Highberger called the meeting to order at 10:00AM. Board members Highberger, Roberts, and Sanders were present. Members Coble, Cooper, Matherly, and Vice were not present for roll call. A quorum was always present.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes or Rules: Mr. Stiles reported that there were no comments from the public regarding the Rule Change to add language regarding requests for rule changes update. Mr. Stiles also reported that the education committee met and compiled

language to reduce the additional education requirements for licensure as well as adding an embalmer only license. Motion by Roberts second by Sanders to approve: Licensing education requirements; FD Only additional hours requirement; EM Only License requirements; Rule Change to add language regarding requests for rule changes update. The motion passed unanimously. The statute language is as follows:

§59-396.3. Qualifications and examination of funeral directors and embalmers  
- Approved schools

B. 1. Except as provided in subsection C of this section, the minimum requirements for a license to practice funeral directing or embalming, or both, are as follows: The minimum requirements for a license to practice funeral directing or embalming, or both, are as follows:

An applicant for a license to practice funeral directing or embalming shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. In addition, an applicant ~~shall have at least sixty (60) semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university,~~ shall be a graduate of a program of mortuary science accredited by the American Board of Funeral Service Education, and have served one (1) year as a registered apprentice. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, or subsequent to graduation from the school and pass the International Conference of Funeral Service Examining Board National Board Science Examination and/or Arts Examination with a 75 or higher on each exam.

C. 1. If a person chooses not to meet the qualifications in subsection B of this section for a funeral director, the person may alternatively qualify for a license to practice funeral directing, but not embalming, upon meeting the eligibility requirements of this subsection as follows: An applicant for a license to practice funeral directing shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. An applicant is required to complete a funeral director course of study approved by the Oklahoma Funeral Board and that is administered by program of funeral service/mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The funeral director course of Study shall include at least thirty (30) semester hours or Equivalent closely following the ABFSE curriculum standard, limited to only: Business Management, Cremation, Social Sciences/Humanities, Legal, Ethical, Regulatory, plus essential elements of embalming, restorative art, general concerns when dealing with human remains, a practicum experience and preparation for the required board exams. In addition to the funeral director course of study the applicant is required to complete ~~at least sixty (60) additional semester hours~~

of study earned, measured in quarter or clock hours, from a regionally accredited college or university and must complete a twelve-month minimum term as a registered apprentice with employment at a licensed establishment and must have assisted with twenty-five arrangement conferences and assisted with twenty five separate funeral or memorial services under the supervision of a licensed funeral director in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the funeral director course of study.

2. Curriculum of study for a funeral director license shall be in a program of mortuary science which shall be that prescribed by the Oklahoma Funeral Board. An applicant must pay all fees as provided in Section 396.4 of this title and pass an exam provided by the International Conference of Funeral Service Examining Board with a seventy-five (75) or higher as well as pass a law exam provided by the Oklahoma Funeral Board, with a seventy-five (75) or higher. A license to practice as a funeral director issued pursuant to this subsection shall be restricted to funeral director, and the licensee shall not be eligible to practice as the funeral director in charge as defined in Section 396.2 of this title.

3. If a person chooses not to meet the qualifications in subsection B of this section for an embalmer, the person may alternatively qualify for a license to practice embalming, upon meeting the eligibility requirements of this subsection as follows: An applicant for a license to practice embalming shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States, and of good moral character. An applicant is required to complete an embalmer course of study approved by the Oklahoma Funeral Board and that is administered by a program of funeral service/mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The embalmer course of study shall include at least thirty (30) semester hours or equivalent closely following the ABFSE curriculum standard, limited to only: Biology, Chemistry, Microbiology, Human Anatomy, Pathology, Embalming, Embalming Chemistry, and Restorative Art, plus essential elements of grief, communication, and preparation for the required board exams. The applicant must also complete a twelve-month minimum term as a registered apprentice with full-time employment at a licensed establishment or licensed commercial embalming establishment and must have assisted with (25) embalmings under the supervision of a licensed embalmer in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the embalmer course of study.

4. Curriculum of study for an embalmer license shall be in a program of funeral service/mortuary science which shall be that prescribed by the

Oklahoma Funeral Board. An applicant must pay all fees as provided in Section 396.4 of this title and pass the embalmer examination provided by the International Conference of Funeral Service Examining Board seventy-five (75) or higher as well as pass a law exam provided by the Oklahoma Funeral Board, with a seventy-five (75) or higher. A license to practice as an embalmer issued pursuant to this subsection shall be restricted to embalmer, and the licensee shall not be eligible to practice as the funeral director in charge as defined in Section 396.2 of this title.

§59-396.8. Reciprocity.

C. The Board may issue an appropriate license without further apprenticeship to a resident of a state which does not have the same educational requirements necessary for reciprocity with this state, if said applicant:

1. Has a current license to practice as an embalmer or funeral director in the state of residence of the person;
2. Has been an active embalmer or funeral director practicing in the state of residence of the person for at least five (5) years;
3. Has never been convicted of a felony crime that substantially relates to the occupation of an embalmer or funeral director and poses a reasonable threat to public safety, and has never been convicted of a misdemeanor related to funeral service;
4. Has never had said license revoked or suspended;
5. Is not currently facing disciplinary action;
6. Intends to practice in this state;
7. Has filed such documents as are required by the Board;
8. Has paid the fees as required by Section 396.4 of this title;
9. Is a citizen or permanent resident of the United States;
10. Is a graduate of an accredited program of mortuary science;
11. Has passed the National Board Examination or State Board Examination administered by the International Conference of Funeral Service Examining Board; and
12. Has passed the Oklahoma State Law Examination.

Motion by Roberts second Highberger to adjourn at 10:02am. The motion passed unanimously.

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Joe Highberger  
Oklahoma Funeral Board President

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

**DOWDY-MARKER FUNERAL HOME**

A Licensed Funeral Establishment,  
Establishment License # 1646ES  
P.O. Box 97  
Haskell, OK 74436

**owned by:**

**MARKER FUNERAL HOME, INC.**

P.O. Box 266  
Bixby, OK 74008

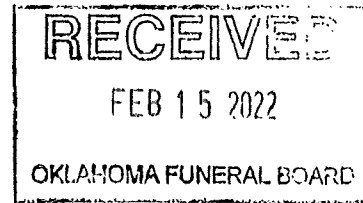
**MICHAEL MARKER**

Licenses: 2170FD and 2320EM,  
Address: P.O. Box 266  
Bixby, OK 74008

A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**DOWDY-MARKER FUNERAL HOME,**

**Respondents.**



**Complaint No. 21-53**

**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Ashton Poarch, files this Complaint and Notice of Hearing, alleging that the Respondents, DOWDY-MARKER FUNERAL HOME, MARKER FUNERAL HOME, INC., and MICHAEL MARKER, have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:



## **JURISDICTION**

1. Respondent DOWDY-MARKER FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 1646ES, and is located at 201 W. Commercial, Haskell, OK 74436.

2. Respondent MICHAEL MARKER (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2170FD and 2320EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent MARKER FUNERAL HOME, INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home.

4. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

## **FACTUAL ALLEGATIONS**

5. On or about June 9, 2021, Board staff conducted an inspection of the Funeral Home and determined that the Body Intake Log (the “Log”) was deficient: not all bodies received at the Funeral Home were listed in the Log; the dates or times of receiving the bodies were not listed in the Log; the dates and times of embalming were not listed in the Log; the embalmer did not sign the Log or include his/her license number; and the name, signature and apprentice license number were not in the Log. The Funeral Home was provided with a copy of the inspection report.

6. On June 21, 2021, Board staff filed a complaint with the Board, alleging that Respondents had a deficient Log in violation of O.A.C. 235:10-3-2(5)(vii). The Board provided Respondents with the Notice of Complaint via letter the same day, June 21, 2021.

7. On or about June, 24, 2021, Respondents filed their response to Complaint 21-53 with the Board. Respondents stated that all bodies are received at the Leonard-Marker Funeral Home

location, which is the main location that maintains the complete Body Intake Log. Further, Respondents stated that the Dowdy-Marker Funeral Home location falls under the exception set forth in O.A.C. 235:10-3-2(5)(vii), as the Dowdy-Marker location is within sixty (60) miles of the Leonard-Marker location; accordingly, Respondents are not required to maintain a Body Intake Log at the Dowdy-Marker location. However, Respondents admitted that they did not include the FDIC name or the times bodies were received on the Leonard-Marker location's Log.

8. By public vote during the meeting on February 10, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

9. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### **ALLEGED CONCLUSIONS OF LAW**

10. Respondents violated O.A.C. 235:10-3-2(5)(vii) by failing to have a complete and up-to-date Log. The relevant Rule, O.A.C. 235:10-3-2(5)(vii), with emphasis added, provides:

**Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. **The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s).** If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

11. Respondents violated O.A.C. 235:10-3-2(10) by failing to list the FDIC on the Log. The relevant Rule, O.A.C. 235:10-3-2(10), with emphasis added, provides:

**Funeral Director in Charge.** The Funeral Director in Charge shall be listed on the original establishment application and any subsequent establishment renewal applications, and **on the body intake log.**

12. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent MICHAEL MARKER, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

13. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

### **AUTHORIZED PENALTIES**

14. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

15. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

16. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, if Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

---

<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

## NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **MARCH 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

### MEETING PLACE:

#### In-Person

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

#### Videoconference

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

The Board asks that only the Respondents use the video camera function.

#### Telephone

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:



---

Ashton Poarch, OBA # 34308  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
[Ashton.Poarch@oag.ok.gov](mailto:Ashton.Poarch@oag.ok.gov)

Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

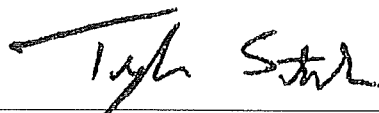
I hereby certify that on the 15<sup>th</sup> day of February, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

**BY CERTIFIED MAIL:**

DOWDY-MARKER FUNERAL HOME  
201 W. Commercial  
Haskell, OK 74436

MARKER FUNERAL HOME, INC.  
P.O. Box 266  
Bixby, OK 74008

MICHAEL MARKER  
P.O. Box 266  
Bixby, OK 74008

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA  
Executive Director

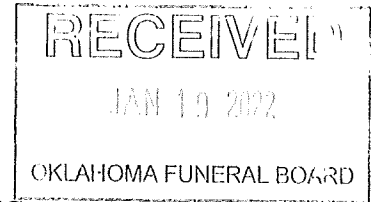
**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

**TODD COLLARD and CANDICE  
MENTINK-COLLARD, individually and  
d/b/a COLLARD DESIGNS and CASKETS  
OF HONOR BY COLLARD DESIGNS**

**Respondents.**

**Complaint No. 22-12**



**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Ashton Poarch, files this Complaint and Notice of Hearing, alleging that the Respondents, TODD COLLARD and CANDICE MENTINK-COLLARD, individually and d/b/a CASKETS OF HONOR BY COLLARD DESIGNS (collectively, "Respondents"), have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

**JURISDICTION**

1. Respondents TODD COLLARD ("Collard") and CANDICE MENTINK-COLLARD ("Mentink-Collard") own and operate a business, CASKETS OF HONOR BY COLLARD DESIGNS ("Caskets of Honor"), located at 523 2nd Street, Calvin, Oklahoma 74531.

2. Respondent Mentink-Collard conducts business as COLLARD DESIGNS ("Collard Designs") under a domestic trade name filed with the Oklahoma Secretary of State. Mentink-Collard's address for the domestic trade name filing is 322 E. Main Street, Ada, Oklahoma 74820.

3. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11).  
*See also* 59 O.S. § 396.12f(F).

#### **FACTUAL ALLEGATIONS**

4. On October 6, 2021, Board staff (“Investigator”) conducted an undercover investigation of Respondents’ vendor booth in the Tulsa State Fair Exchange Building.

5. Investigator observed Respondents’ displaying three (3) complete caskets, including prices, at their booth. When Respondent Collard approached Investigator, Investigator asked whether Respondents sold caskets to the public; Respondent Collard replied, “Yeah.”

6. Respondents Collard and Mentink-Collard presented two (2) fliers and one (1) business card to Investigator. The first flier stated, “We take great pride in our products from the initial design to the last stitch of the interior. . . If you are interested in our line of products please feel free to contact us. We would be honored to schedule an appointment with you.” The business card stated, “Caskets of Honor by Collard Designs . . . Custom Caskets & Urns, Custom Interiors, and Canvas Head Panel Inserts.” Both fliers and the business card state that the business address for Caskets of Honor is 523 2nd Street, Calvin, Oklahoma 74531.

7. On October 6, 2021, Investigator reviewed the Facebook profile for Caskets of Honor. The cover photograph for the profile shows the business’s façade at the 523 2nd Street, Calvin, Oklahoma 74531 location; that address is also listed as the business’s official address on the profile. In cover photograph, through the window of the business’s façade, four (4) complete, customized caskets are observable. The profile picture shows Respondents Collard and Mentink-Collard. Next to the profile picture and under the profile name, “Caskets of Honor by Collard Designs,” the business is categorized as “Funeral Service & Cemetery.” One of the posts on the profile states, “We are open to the public and want everyone to know we welcome all visitors that

wish to see our products in person.” Another post, which accompanies a photograph of Respondents’ vendor booth at the 2021 Tulsa State Fair, states, “Stop by and say hello.”

8. Caskets of Honor does not maintain an establishment license for the 523 2nd Street, Calvin, Oklahoma 74531 location, where Respondents display and negotiate sales of caskets to the public.

9. Immediately after conducting the undercover investigation, Inspector contacted Respondent Collard and informed him of his and Respondent Mentink-Collard’s violations of the Act and Rules. During that conversation, Respondent Collard confirmed that he nor Respondent Mentink-Collard are licensed by the Board. Respondent Collard further confirmed that he did not have a Funeral Director present for the vendor booth at the 2021 Tulsa State Fair. Notably, Respondent Collard stated that he expected to be investigated or approached by a representative of the Board regarding his business activities.

10. On October 6, 2021, Investigator filed a complaint with the Board, alleging that Respondents were selling funeral service merchandise to the public without a valid funeral director license in violation of 59 O.S. §§ 396.3a(1)(c), 396.6(A), and 396.12(A). The Board provided Respondents with the Notice of Complaint via letter the following day, October 7, 2021.

11. Respondents, by and through their attorney, filed their response with the Board on November 9, 2021. Respondents confirmed that they own and operate Caskets of Honor as a sole proprietorship/partnership. Respondents maintain that they do not sell funeral service merchandise to the public, as they have not sold caskets to individuals nor do they intend to sell caskets to the public. Rather, Respondents intend to only sell caskets to funeral homes. Respondents did, however, admit that “they are not licensed to practice Funeral Directing nor Embalming.”

12. By public vote during the meeting on January 13, 2021, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.



13. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### **ALLEGED CONCLUSIONS OF LAW**

14. Respondents violated 59 O.S. §§ 396.3a(1)(c), 396.6(A), and 396.12(A) and (B) by selling funeral service merchandise, specifically customized caskets, to the public without a funeral director license and establishment license. Title 59, Section 396.3a(1) provides, in relevant part, that persons or businesses “engaged or who may engage in . . . the sale of any funeral service merchandise” are “required to be licensed pursuant to the Funeral Services Licensing Act.” Likewise, Title 59, Section 396.6(A) provides that “[n]o person shall . . . engage in the sale of any funeral service merchandise to the public . . . unless the person has obtained the license specified by rules . . . and has otherwise complied with the provisions of the Funeral Services Licensing Act.” Further, Title 59, Section 396.12(A) provides that “[a]ny place where a person shall hold forth by word or act that the person is engaged in the profession of . . . funeral directing shall be deemed as a funeral establishment and shall be licensed as such.” *See* 59 O.S. § 396.2(2)(d) (defining “Funeral director” as a person who “sells funeral service merchandise to the public”). Finally, Title 59, Section 396.12(B) states that “[a] funeral establishment shall not do business in a location that is not licensed as a funeral establishment, [and] shall not advertise a service that is available from an unlicensed location.” *See* 59 O.S. § 396.2(3) (defining “Funeral establishment” as “any place where any person or persons shall hold forth and be engaged in the profession of undertaking or funeral directing”).

15. Respondents violated 59 O.S. §§ 396.12c(A)(4) and (17), as well as O.A.C. 235:10-7-2(17), (26)(b)(i), (26)(d)(v), and (26)(d)(vi), by falsely advertising and materially misrepresenting Caskets of Honor as a “Funeral Service & Cemetery” online and indicating that Caskets of Honor

was open to the public and would sell caskets to the public. Under Title 59, Sections 396.12c(A)(4) and (17), engaging in “[f]alse or misleading advertising as a funeral director” and “[v]iolating [59 O.S. § 396.12(B)] regarding advertisement of services at locations not licensed by the Board” subjects Respondents to discipline. Likewise, the Rules prohibit “[t]he use of false or misleading advertising.” O.A.C. 235:10-7-2(17). Moreover, licensees are required to “be honest and trustworthy in the performance of all duties and work performed . . . and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission.” O.A.C. 235:10-7-2(26)(b)(i). Indeed, “[a] licensee shall not provide information he or she knew or should have known was inaccurate, deceitful, or misleading to the Board or a consumer” and “shall not engage in any activity that constitutes dishonesty, misrepresentation, or fraud.” O.A.C. 235:10-7-2(26)(d)(v) and (vi).

16. Respondents violated O.A.C. 235:10-7-2(26)(d)(iv) by engaging in a business scheme designed to evade the Act and Rules. Specifically, Respondents’ business model markets directly to the public, and Respondents engage directly with the public in selling their customized caskets, but allegedly only sell the caskets to funeral homes after negotiating with the consumers in order to avoid the licensing requirements under the Act and Rules. Rule 235:10-7-2(26)(d)(iv) states, “[a] licensee shall not participate, whether individually or in concert, with others, in any plan, scheme, or arrangement attempting or having as its purpose, which he/she knew or should have known was the evasion of any provision of the laws or the rules of the Board.”

17. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

## AUTHORIZED PENALTIES

18. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

19. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

20. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

## NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **FEBRUARY 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

**MEETING PLACE:**

**In-Person**

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

**Videoconference**

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

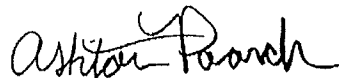
The Board asks that only the Respondents use the video camera function.

**Telephone**

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:



---

Ashton Poarch, OBA # 34308  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
Ashton.Poarch@oag.ok.gov  
Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of January, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as follows:

**BY CERTIFIED MAIL:**

**LARRY A. MORGAN**  
MORGAN AND MORGAN, PC  
11912 N. Pennsylvania Ave., Suite D-1  
Oklahoma City, OK 73120-7830

*Attorney for Respondents*

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

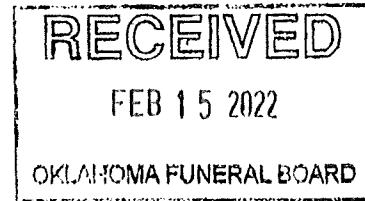
**WILSON FUNERAL HOME**  
A Licensed Funeral Establishment,  
Establishment License # 1229ES  
P.O. Box 478  
Pond Creek, OK 73766

**owned by:**  
**MARY ANN WILSON**  
525 South 1st  
Pond Creek, OK 73766

**STEVEN L. WILSON**  
Licenses: 2341FD and 2486EM,  
Address: P.O. Box 124  
Pond Creek, OK 73766  
A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**WILSON FUNERAL HOME,**

**Respondents.**



**Complaint No. 22-22**

**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Ashton Poarch, files this Complaint and Notice of Hearing, alleging that the Respondents, WILSON FUNERAL HOME, MARY ANN WILSON, and STEVEN L. WILSON, have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

## **JURISDICTION**

1. Respondent WILSON FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 1229ES, and is located at 227 E. Aspen, Pond Creek, OK 73766.
2. Respondent STEVEN L. WILSON (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 2341FD and 2486EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.
3. Respondent MARY ANN WILSON (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home.
4. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

## **FACTUAL ALLEGATIONS**

5. On or about December 13, 2021, Board staff conducted an inspection of the Funeral Home and determined that the Body Intake Log (the “Log”) was deficient: not all bodies received at the Funeral Home were listed in the Log; the dates or times of receiving the bodies were not listed in the Log; the dates and times of embalming were not listed in the Log; the embalmer did not sign the Log or include his/her license number; and the name, signature and apprentice license number were not in the Log. The Funeral Home was provided with a copy of the inspection report.
6. On December 20, 2021, Board staff filed a complaint with the Board, alleging that Respondents had a deficient Log in violation of O.A.C. 235:10-3-2(5)(vii). The Board provided Respondents with the Notice of Complaint via letter the same day, December 20, 2021.
7. On January 2, 2022, Respondents filed their response to Complaint 22-22 with the Board. Respondents stated that they “have taken note and updated the [L]og.” In addition, Respondents included a copy of their newly-updated Log.

8. By public vote during the meeting on February 10, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

9. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### ALLEGED CONCLUSIONS OF LAW

10. Respondents violated O.A.C. 235:10-3-2(5)(vii) by failing to have a complete and up-to-date Log. The relevant Rule, O.A.C. 235:10-3-2(5)(vii), with emphasis added, provides:

**Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. **The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s).** If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

11. Respondents violated O.A.C. 235:10-3-2(10) by failing to list the FDIC on the Log. The relevant Rule, O.A.C. 235:10-3-2(10), with emphasis added, provides:

**Funeral Director in Charge.** The Funeral Director in Charge shall be listed on the original establishment application and any subsequent establishment renewal applications, and **on the body intake log.**

12. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent STEVEN L. WILSON, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

13. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.



## AUTHORIZED PENALTIES

14. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

15. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

16. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

## NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **MARCH 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and

---

<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

**MEETING PLACE:**

**In-Person**

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

**Videoconference**

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

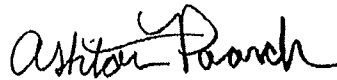
The Board asks that only the Respondents use the video camera function.

**Telephone**

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:



---

Ashton Poarch, OBA # 34308  
Assistant Attorney General  
Office of the Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
[Ashton.Poarch@oag.ok.gov](mailto:Ashton.Poarch@oag.ok.gov)

Attorney for Oklahoma Funeral Board

**CERTIFICATE OF SERVICE**

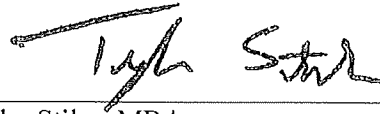
I hereby certify that on the 15<sup>th</sup> day of February, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

**BY CERTIFIED MAIL:**

WILSON FUNERAL HOME  
227 E. Aspen  
Pond Creek, OK 73766

MARY ANN WILSON  
525 South 1st  
Pond Creek, OK 73766

STEVEN L. WILSON  
P.O. Box 124  
Pond Creek, OK 73766

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA  
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD  
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT  
AGAINST:**

**HOUSE OF WINN FUNERAL HOME**

A Licensed Funeral Establishment,  
Establishment License # 1216ES  
607 E. 5th Street  
Okmulgee, OK 74447

**owned by:**

**HOUSE OF WINN FUNERAL HOME, INC.**

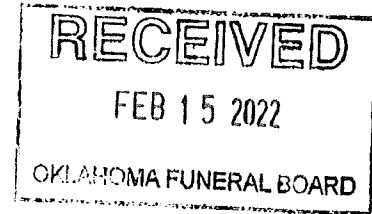
P.O. Box 2576  
Muskogee, OK 74402

**EDWARD WINN I**

Licenses: 1649FD and 1924EM,  
Address: P.O. Box 2576  
Muskogee, OK 74402  
A Licensed Funeral Director and Embalmer  
and the Funeral Director in Charge at

**HOUSE OF WINN FUNERAL HOME,**

**Respondents.**



**Complaint No. 22-24**

**COMPLAINT AND NOTICE OF HEARING**

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Ashton Poarch, files this Complaint and Notice of Hearing, alleging that the Respondents, HOUSE OF WINN FUNERAL HOME, HOUSE OF WINN FUNERAL HOME, INC., and EDWARD WINN I, have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("O.A.C.") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

## **JURISDICTION**

1. Respondent HOUSE OF WINN FUNERAL HOME (“Funeral Home”) is licensed by the Board, establishment license number 1216ES, and is located at 607 E. 5th Street, Okmulgee, OK 74447.

2. Respondent EDWARD WINN I (“Funeral Director in Charge” or “FDIC”) is licensed by the Board as a funeral director and embalmer, license numbers 1649FD and 1924EM, and at all relevant times was the Funeral Director in Charge at Funeral Home.

3. Respondent HOUSE OF WINN FUNERAL HOME, INC. (“Owner”) is, and at all relevant times was, the owner of record for Funeral Home. Upon information and belief, Respondent EDWARD WINN I is the owner and registered agent for Respondent HOUSE OF WINN FUNERAL HOME, INC.

4. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

## **FACTUAL ALLEGATIONS**

5. On or about January 4, 2022, Board staff conducted an inspection of the Funeral Home and determined that the Body Intake Log (the “Log”) was deficient: not all bodies received at the Funeral Home were listed in the Log; the dates or times of receiving the bodies were not listed in the Log; the dates and times of embalming were not listed in the Log; the embalmer did not sign the Log or include his/her license number; and the name, signature and apprentice license number were not in the Log. The last date of entry for the Body Intake Log was July 18, 2017.

6. On January 11, 2022, Board staff filed a complaint with the Board, alleging that Respondents had a deficient Log in violation of O.A.C. 235:10-3-2(5)(vii). The Board provided Respondents with the Notice of Complaint via letter the same day, January 11, 2022.

7. On January 19, 2022, Respondents filed their response to Complaint 22-24 with the Board. Respondents stated that compliance remains a priority for them, and that they “will gladly place a Body Intake Log in [their] prep room.”

8. By public vote during the meeting on February 10, 2022, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

9. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the alleged violations.

#### **ALLEGED CONCLUSIONS OF LAW**

10. Respondents violated O.A.C. 235:10-3-2(5)(vii) by failing to have a complete and up-to-date Log. The relevant Rule, O.A.C. 235:10-3-2(5)(vii), with emphasis added, provides:

**Body Intake Log.** Each funeral establishment or commercial embalming service shall maintain in the preparation room of that establishment, or within a reasonable proximity of the preparation room, a log book. **The log book shall list the name of each human remains received at this location including the date and time the remains were received, the care or preparation of the remains (i.e., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, the disposition of the remains, and the name, signature, and license number of the embalmer(s) and apprentice(s).** If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and apprentice(s). The log book must be available at all times for inspection by the Board.

11. Respondents violated O.A.C. 235:10-3-2(10) by failing to list the FDIC on the Log. The relevant Rule, O.A.C. 235:10-3-2(10), with emphasis added, provides:

**Funeral Director in Charge.** The Funeral Director in Charge shall be listed on the original establishment application and any subsequent establishment renewal applications, and **on the body intake log.**

12. FDIC is “responsible for the legal and ethical operation of the [Funeral Home] and is accountable to the Board.” 59 O.S. § 396.2(12). Therefore, Respondent EDWARD WINN I, as the Funeral Director in Charge of the Funeral Home is also liable for the above violations.

13. Due to the above violations, Respondents are subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

### **AUTHORIZED PENALTIES**

14. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations<sup>1</sup>; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

15. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

16. In lieu of prosecution, Respondents “may elect to surrender the license.” *Id.* at § 396.12e(D). However, should Respondents surrender their licenses, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

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<sup>1</sup> When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(C).

## NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **MARCH 10, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

### MEETING PLACE:

#### In-Person

Office of Chief Medical Examiner  
1<sup>st</sup> Floor Conference Room  
921 N.E. 23rd Street  
Oklahoma City, OK 73105

#### Videoconference

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

The Board asks that only the Respondents use the video camera function.

#### Telephone

1-408-418-9388  
Access Code:  
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:



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Attorney for Oklahoma Funeral Board



**CERTIFICATE OF SERVICE**

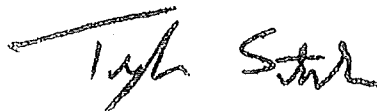
I hereby certify that on the 15<sup>th</sup> day of February, 2022, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

**BY CERTIFIED MAIL:**

HOUSE OF WINN FUNERAL HOME  
607 E. 5th Street  
Okmulgee, OK 74447

HOUSE OF WINN FUNERAL HOME, INC.  
P.O. Box 2576  
Muskogee, OK 74402

EDWARD WINN I  
P.O. Box 2576  
Muskogee, OK 74402

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA  
Executive Director